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16 Attorneys for Defendant
17 CITY AND COUNTY OF SAN FRANCISCO

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 FREDDY U. MARTINEZ,

21 Case No. 13-cv-4197 DMR

22 Plaintiff,

23 **STIPULATION AND [PROPOSED] ORDER
EXTENDING TIME FOR SETTLEMENT
CONFERENCE**

24 vs.
25 CITY AND COUNTY OF SAN FRANCISCO
and DOES 1 to 50,

26 Defendants.

Trial Date: March 2, 2015

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28 The parties to this litigation enter the following stipulation and respectfully request that the
Court approve of and enter the following order:

29 **STIPULATION**

30 WHEREAS,

31 1. Defendant consented to Magistrate Judge Donna M. Ryu on October 8, 2013. Plaintiff
32 consented on November 26, 2013.

1 2. On December 5, 2013, the Court ordered the parties to participate in a settlement
2 conference with Magistrate Judge Kandis A. Westmore by March 15, 2014.

3 3. On March 12, 2014, Deputy City Attorney Warren Metlitzky and Plaintiff's counsel
4 Gino Molinari attended a scheduled settlement conference. Plaintiff did not attend. Judge
5 Westmore informed Plaintiff's counsel that the settlement conference could not proceed without
6 Plaintiff present.

7 4. Plaintiff is currently attempting to resolve a dispute as to his counsel in this matter.
8 The two attorneys of record for Plaintiff anticipate that they will resolve the dispute within the next
9 eight weeks.

10 5. After the issue is resolved, the parties agree that an additional attempt at a settlement
11 conference would be a productive use of resources.

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1 THE PARTIES HEREBY STIPULATE and respectfully request that the Court extend the
2 time to attend a settlement conference with Judge Westmore until June 1, 2014, subject to Judge
3 Westmore's availability. Plaintiff's counsel will notify the Court and the City once the dispute as to
4 counsel is resolved.

5 Dated: March 21, 2014

6 DENNIS J. HERRERA
7 City Attorney
8 CHERYL ADAMS
9 Chief Trial Attorney
WARREN METLITZKY
NEWTON OLDFATHER
Deputy City Attorneys

10 By: /s/ Newton Oldfather
11 NEWTON OLDFATHER

12 Attorneys for Defendants
13 CITY AND COUNTY OF SAN FRANCISCO

14 LAW OFFICES OF GINO J. MOLINARI

15 By: /s/ Gino J. Molinari (with permission)*
16 GINO J. MOLINARI

17 Attorney for Plaintiff
18 FREDDY U. MARTINEZ

19 *Pursuant to GO 45, the electronic signatory has
obtained approval from this signatory.

20 LAW OFFICES OF XAVIER A. BAEZA

21 By: /s/ Xavier A. Baeza (with permission)*
22 XAVIER A. BAEZA

23 Attorney for Plaintiff
24 FREDDY U. MARTINEZ

25 *Pursuant to GO 45, the electronic signatory has
obtained approval from this signatory.

1 [PROPOSED] ORDER
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3 The parties are ordered to participate in a settlement conference before Magistrate Judge
4 Kandis A. Westmore, which shall be completed **by no later than 6/1/2014**, or as soon thereafter as is
convenient to Judge Westmore's calendar.

5 It is so ORDERED.
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7 Dated: March 21, 2014 _____
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